IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

OP.No. 23868 of 1999(N)

PETITIONER:

SULEKHA BEEVI, W/O. ABDUL MAJEED,
CHIRAYIL HOUSE, PAYIKUZHI,
OACHIRA.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY SECRETARY TO GOVERNMENT, CIVIL SUPPLIES DEPARTMENT, THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR, KOLLAM.

3. SUB INSPECTOR OF POLICE, OACHIRA.

BY GOVERNMENT PLEADER – ADV. SMT.SMITHA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.No. 23868/1999

ORDER ON CMP NO. 39868/1999 IN O.P.No. 23868/1999

DISMISSED.

02/02/2007 SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 COPY OF THE CERTIFICATE ISSUED BY THE COCHIN REFINERIES LTD. DATED NIL.

EXT.P2 COPY OF THE BILL EVIDENCING PURCHASE OF WHITE KEROSENE BY THE PETITIONER DATED 26/05/99.

EXT.P3 COPY OF THE PARALLEL MARKETING SYSTEM WHOLESALE LICENCE ISSUED IN FAVOUR OF A DEALER BY THE DISTRICT COLLECTOR, ALAPPUZHA DATED 19/06/99.

EXT.P4 COPY OF THE CASE SUMMARY DISCHARGE RECORD OF THE PETIITONER'S HUSBAD ISSUED BY THE SRI.CHITHIRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY, THIRUVANANTHAPURAM.

EXT.P5 COPY OF THE FIR WITH THE MAHAZAR ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

EXT.P6 COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 10/07/99.

EXT.P7 COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER FOR APPOINTMENT OF RETAIL KEROSENE DEALER BEFORE THE 2ND RESPONDENT.

EXT.P8 COPY OF THE ORDER IN CMP 22416/99 IN O.P.No. 13916/99 PASSED BY THIS HON'BLE COURT DATED 08/06/99.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 23868 of 1999 N

Dated, this the 2nd day of February, 2007

J U D G M E N T

This O.P is filed to quash Ext.P5 FIR filed pursuant to seizure of massive quantity of kerosene from petitioner's custody. The case of the petitioner is that kerosene is obtained from open market and is not the kerosene released for PDS. Even though this Court has granted stay against further proceedings, I do not think it is proper for this court to verify, enquire and come to findings in the matter. However, since the case is pending for long time 3rd respondent is directed to complete the enquiry within two months from the date of production of a copy of this judgment. Case should be charged against the petitioner, only if, petitioner is found to be involved in storage and sale of kerosene earmarked for PDS.

This writ petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg